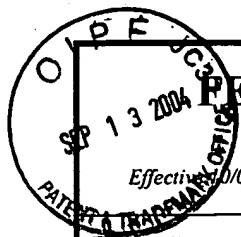


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# **FREE TRANSMITTAL for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ ) 1,314.00

## **Complete if Known**

|                      |                        |
|----------------------|------------------------|
| Application Number   | 10/829,388             |
| Filing Date          | April 22, 2004         |
| First Named Inventor | Edmund A. ROSSI et al. |
| Examiner Name        | Unassigned             |
| Art Unit             | 1653                   |
| Attorney Docket No.  | 41133-0006US1          |

## **METHOD OF PAYMENT (check one)**

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account

Deposit Account Number **08-1641 (Docket No. 41133-0006US1)**

Deposit Account Name **Heller Ehrman White & McAuliffe LLP**

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## **FEE CALCULATION**

### **1. BASIC FILING FEE**

| Large Fee Code      | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description        | Fee Paid         |
|---------------------|-----------------|----------------|-----------------|------------------------|------------------|
| 1001                | 770             | 2001           | 385             | Utility filing fee     | 385              |
| 1002                | 340             | 2002           | 170             | Design filing fee      |                  |
| 1003                | 530             | 2003           | 265             | Plant filing fee       |                  |
| 1004                | 770             | 2004           | 385             | Reissue filing fee     |                  |
| 1005                | 160             | 2005           | 80              | Provisional filing fee |                  |
| <b>SUBTOTAL (1)</b> |                 |                |                 |                        | <b>(\$ ) 385</b> |

### **2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 116                | -20** = 96   | 9              | 864      |
| Independent Claims | 3            | -3** = 0       | 0        |
| Multiple Dependent |              | 145            |          |

| Large Fee Code                | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description   |
|-------------------------------|-----------------|----------------|-----------------|---|
| 1202                          | 18              | 2202           | 9               | Claims in excess of 20                                    |
| 1201                          | 86              | 2201           | 43              | Independent claims in excess of 3                         |
| 1203                          | 290             | 2203           | 145             | Multiple dependent claim, if not paid                     |
| 1204                          | 86              | 2204           | 43              | **Reissue independent claims over original patent         |
| 1205                          | 18              | 2205           | 9               | **Reissue claims in excess of 20 and over original patent |
| <b>SUBTOTAL (2)</b> (\$ ) 864 |                 |                |                 |   |

\*\*or number previously paid, if greater; For Reissues, see above

## **FEE CALCULATION (continued)**

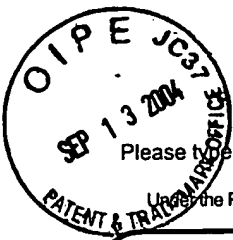
### **3. ADDITIONAL FEES**

| Large Fee Code                     | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description  | Fee Paid        |
|------------------------------------|-----------------|----------------|-----------------|--|-----------------|
| 1051                               | 130             | 2051           | 65              | Surcharge - late filing fee or oath  | 65              |
| 1052                               | 50              | 2052           | 25              | Surcharge - late provisional filing fee or cover sheet                     |                 |
| 1053                               | 130             | 1053           | 130             | Non-English specification  |                 |
| 1812                               | 2,520           | 1812           | 2,520           | For filing a request for <i>ex parte</i> reexamination                     |                 |
| 1804                               | 920*            | 1804           | 920*            | Requesting publication of SIR prior to Examiner action                     |                 |
| 1805                               | 1,840*          | 1805           | 1,840*          | Requesting publication of SIR after Examiner action                        |                 |
| 1251                               | 110             | 2251           | 55              | Extension for reply within first month                                     |                 |
| 1252                               | 420             | 2252           | 210             | Extension for reply within second month                                    |                 |
| 1253                               | 950             | 2253           | 475             | Extension for reply within third month                                     |                 |
| 1254                               | 1,480           | 2254           | 740             | Extension for reply within fourth month                                    |                 |
| 1255                               | 2,010           | 2255           | 1,005           | Extension for reply within fifth month                                     |                 |
| 1401                               | 330             | 2401           | 165             | Notice of Appeal   |                 |
| 1402                               | 330             | 2402           | 165             | Filing a brief in support of an appeal                                     |                 |
| 1403                               | 290             | 2403           | 145             | Request for oral hearing   |                 |
| 1451                               | 1,510           | 1451           | 1,510           | Petition to institute a public use proceeding                              |                 |
| 1452                               | 110             | 2452           | 55              | Petition to revive - unavoidable   |                 |
| 1453                               | 1,330           | 2453           | 665             | Petition to revive - unintentional   |                 |
| 1501                               | 1,330           | 2501           | 665             | Utility issue fee (or reissue)   |                 |
| 1502                               | 480             | 2502           | 240             | Design issue fee   |                 |
| 1503                               | 640             | 2503           | 320             | Plant issue fee  |                 |
| 1460                               | 130             | 1460           | 130             | Petitions to the Commissioner  |                 |
| 1807                               | 50              | 1807           | 50              | Processing fee under 37 CFR 1.17(q)  |                 |
| 1806                               | 180             | 1806           | 180             | Submission of Information Disclosure Stmt                                  |                 |
| 8021                               | 40              | 8021           | 40              | Recording each patent assignment per property (times number of properties) |                 |
| 1809                               | 770             | 2809           | 385             | Filing a submission after final rejection (37 CFR 1.129(a))                |                 |
| 1810                               | 770             | 2810           | 385             | For each additional invention to be examined (37 CFR 1.129(b))             |                 |
| 1801                               | 770             | 2801           | 385             | Request for Continued Examination (RCE)                                    |                 |
| 1802                               | 900             | 1802           | 900             | Request for expedited examination of a design application                  |                 |
| Other fee (specify)                |                 |                |                 |  |                 |
| * Reduced by Basic Filing Fee Paid |                 |                |                 |  |                 |
| <b>SUBTOTAL (3)</b>                |                 |                |                 |  | <b>(\$ ) 65</b> |

## **SUBMITTED BY**

|                   |               |                                   |                    |              |              |
|-------------------|---------------|-----------------------------------|--------------------|--------------|--------------|
| Name (Print/Type) | Paul M. Booth | Registration No. (Attorney/Agent) | 40,244             | Telephone    | 202-912-2000 |
| Signature         |               | Date                              | September 10, 2004 | Customer No. | 26633        |

Complete (if applicable)



Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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|  |                             |                               |               |
|--|-----------------------------|-------------------------------|---------------|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> | <b>Application Number</b>   | 10/829,388                    |               |
|  | <b>Filing Date</b>          | April 22, 2004                |               |
|  | <b>First Named Inventor</b> | Edmund A. ROSSI et al.        |               |
|  | <b>Group Art Unit</b>       | 1653                          |               |
|  | <b>Examiner Name</b>        | Unassigned                    |               |
| <b>Total Number of Pages in This Submission</b>  |                             | <b>Attorney Docket Number</b> | 41133-0006US1 |

| ENCLOSURES <i>(check all that apply)</i>   |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form                                   | <input type="checkbox"/> Assignment Papers<br><i>(for an Application)</i>                  | <input type="checkbox"/> After Allowance Communication to Group   |
| <input checked="" type="checkbox"/> Fee Attached   | <input checked="" type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences   |
| <input checked="" type="checkbox"/> Amendment / Response                                   | <input type="checkbox"/> Licensing-related Papers  | <input type="checkbox"/> Appeal Communication to Group<br><i>(Appeal Notice, Brief, Reply Brief)</i>                              |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition  | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)   | <input type="checkbox"/> Petition to Convert to a Provisional Application                  | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request   | <input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s)<br><i>(please identify below):</i>   |
| <input type="checkbox"/> Express Abandonment Request                                       | <input type="checkbox"/> Terminal Disclaimer   | <b>Declaration and Power of Attorney; Sequence Listings<br/>(paper and disk form);<br/>Statement to Support Sequence Listings</b> |
| <input type="checkbox"/> Information Disclosure Statement                                  | <input type="checkbox"/> Request for Refund  |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                            | <input type="checkbox"/> CD, Number of CD(s) _____   |   |
| <input checked="" type="checkbox"/> Response to Missing Parts/<br>Incomplete Application   | Remarks  |   |
| <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR<br>1.52 or 1.53 |  |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |  |
|--|--|
| Firm or Individual name                    | Paul M. Booth, Reg. No. 40,244, Customer No. 26633 |
| Signature                                  |  |
| Date                                       | September 10, 2004                                 |

| CERTIFICATE OF MAILING  |  |      |  |
|---|--|------|--|
| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/> |  |      |  |
| Typed or printed name   |  |      |  |
| Signature   |  | Date |  |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No: 41133-0006US1

the patent application of  
Edmund A. ROSSI *et al.*

Confirmation No.: 5415

Application No.: 10/829,388

Group Art Unit: 1653

Filing Date: April 22, 2004

Examiner: Unassigned

For: POLYVALENT PROTEIN COMPLEX

\*\*\*

TRANSMITTAL OF CORRECTED DRAWINGS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTENTION: DRAWING REVIEW BRANCH

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed July 12, 2004, Applicants submit herewith corrected drawings, Figures 8A-B and 5 (2 sheets) for the captioned application. The Official Draftsperson is respectfully requested to approve these drawings for entry into the application.

Respectfully submitted,

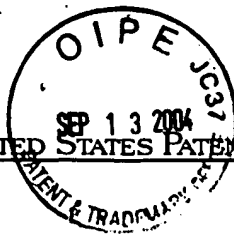
Date:

September 10, 2004

HELLER EHRMAN WHITE &  
MCAULIFFE  
1666 K Street, N.W., Suite 300  
Washington, DC 20006  
Telephone: (202) 912-2000  
Facsimile: (202) 912-2020

By

Paul M. Booth  
Attorney for Applicants  
Registration No. 40,244  
Customer No. 26633



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/829,388         | 04/22/2004             | Edmund A. Rossi       | 41133-0006US1          |

CONFIRMATION NO. 5415

26633  
HELLER EHRMAN WHITE & MCAULIFFE LLP  
1666 K STREET, NW  
SUITE 300  
WASHINGTON, DC 20006

## FORMALITIES LETTER



\*OC000000013213035\*

Date Mailed: 07/12/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/14/2004 YPOLITE1 00000103 10829388

FILED UNDER 37 CFR 1.53(b)

|            |           |
|------------|-----------|
| 01 FC:2001 | 385.00 OP |
| 02 FC:2051 | 65.00 OP  |
| 03 FC:2202 | 864.00 OP |

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 8A-B, 5.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or

1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)**

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$864** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

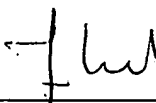
Total additional fee(s) required for this application is **\$1314** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$864**
  - **\$864** for **96** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



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